

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-NINTH LEGISLATURE

SIXTIETH LEGISLATIVE DAY
THURSDAY, MARCH 6, 2008

Senate Chamber

President Risch called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Burkett, Cameron, Corder, Gannon, Hill, Langhorst, Lodge, McGee, Schroeder, Siddoway, and Stennett, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Kristen McIntosh, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 5, 2008, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

Senators Cameron, Corder, Gannon, McGee, Siddoway, and Stennett were recorded present at this order of business.

SCR 134

BY JUDICIARY AND RULES COMMITTEE

A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND SUPPORTING
SPECIFIED INTERNATIONAL EDUCATION.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature finds that international education is a key cornerstone to Idaho's global competitiveness and international education is of vital importance to Idaho's economy by providing opportunities for transformational learning, citizenship and leadership, contributing to diversity both in and outside the classroom, enhancing both academic and cocurricular programs, and promoting cross-cultural understanding among its citizens; and

WHEREAS, the Legislature finds that Idaho is committed to recruiting students from many parts of the world to study in our educational institutions. Between 2006 and 2007, 1,969 international students and their families studied and lived in Idaho, contributing \$31.6 million in tuition, fees and expenses. Many international students are engaged in research that results in products and services that directly benefit Idaho's economy and improve the everyday lives of its citizens; and

WHEREAS, when international students return to their home countries and gain influential positions in companies and society, they are an important asset to Idaho. International alumni spread recognition and a positive image of Idaho and the United States in their home countries and they are also vital in developing networks and connections for Idaho businesses and higher education throughout the world; and

WHEREAS, at the kindergarten through grade 12 levels, international students bring diverse perspectives, provide opportunities for learning tolerance, and enrich their peers' social and political understanding of other countries and cultures; and

WHEREAS, the Legislature finds that Idaho is committed to providing study abroad opportunities for its students. In 2005, Idaho Senator Larry Craig cosponsored U.S. Senate Resolution 308, proclaiming 2006 as the Year of Study Abroad. The world is full of pressing challenges, including hunger, poverty and disease; and

WHEREAS, study abroad is a springboard for students to become engaged in real world problems, helping them become better communicators and problem solvers, hone leadership skills and gain empathy for those who are suffering from economic hardship, famine or tyranny. Study abroad helps transform students into globally informed citizens, unafraid to grapple with the tough questions and obstacles of tomorrow; and

WHEREAS, to bring multinational companies to Idaho and provide local companies with international expertise, Idaho's workforce must gain the global competency to address the needs of business; and

WHEREAS, the best method for our students to achieve global competency is through direct international experience integrated into their education; and

WHEREAS, the Legislature finds that Idaho is committed to bringing international artists, performances, exhibitions, conferences, events and forums to its educational institutions and communities. Idaho festivals, such as the Lionel Hampton International Jazz Festival, recently awarded the nation's highest honor, the National Medal of Arts, inspire our youth by offering clinics and workshops where they can learn from celebrated musicians and performers. International performances and exhibitions not only entertain us, they challenge Idahoans to rethink their conceptions about the world. International events and forums provide a platform to explore and generate open and honest debate on important topics such as global warming, the war on terrorism and genocide; and

WHEREAS, the Legislature finds that Idaho is committed to internationalizing the curriculum at kindergarten through grade 12 schools and at colleges and universities; and

WHEREAS, course offerings at Idaho educational institutions must reflect the global aspect in every discipline. For instance, a computer produced in Idaho may have parts from Mexico, be marketed in Europe, and have product support from India. Research that used to be conducted in relative isolation is much more likely these days to be facilitated through collaborative efforts with scientific labs abroad; and

WHEREAS, in order to produce students able to compete successfully in a global marketplace, Idaho kindergarten through grade 12 schools, colleges and universities must prepare them for that experience; and

WHEREAS, Idahoans need to be conversant in other languages, learn how to effectively network with people from other countries, feel as at ease working in Boise or in Coeur d'Alene as in Shanghai or Nairobi. Idaho educational curriculum needs to prepare Idahoans to be globally engaged citizens and leaders; and

WHEREAS, the Legislature finds that Idaho is committed to expanding international trade. In 2006, Idaho exports exceeded \$3.7 billion and were linked to nearly 10% of its workforce. Key markets for Idaho's goods included China, Canada, Singapore, the United Kingdom, Taiwan and Japan; and

WHEREAS, Idaho companies and higher education institutions are engaged in developing new products, technologies and innovative ways to globally market their products; and

WHEREAS, higher educational institutions in Idaho provide foreign language, area studies and cross-cultural communication courses. They promote mutual understanding between Idahoans and people from other parts of the world and train business executives and personnel in successful strategies to compete in markets abroad; and

WHEREAS, the Legislature finds that Idaho recognizes that international students and scholars contribute significantly to the cultural, artistic and social fabric of Idaho's educational institutions and communities; that international trade, supported through international education, is critical to Idaho's economy; that international exchange and study abroad promote transformational learning and global competency; that international festivals, events and forums sponsored by Idaho's educational institutions promote cultural awareness and appreciation of the arts, and provide an avenue for the important issues of our time to be examined and that the internationalization of curriculum at Idaho educational institutions and schools is crucial to preparing students for an increasingly interconnected world.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that Idaho supports:

(1) Infusing courses with international topics, and across disciplines, to increase students' understanding of global issues and provide opportunities to become engaged in those issues;

(2) Developing more area studies courses, and in particular, courses that examine Islamic, Asian and Sub-Saharan African countries;

(3) Promoting the study of foreign languages, and in particular, developing and offering more courses in Arabic, Chinese, Japanese and other languages crucial to Idaho's economic growth;

(4) Providing opportunities for students in all majors to participate in programs to study abroad, volunteer abroad and

participate in internships abroad to enrich their academic and professional training, gain new intercultural perspectives, hone their leadership and global competency skills and become engaged in real-world problems and issues;

(5) Recruiting more international students to Idaho campuses and schools so that more opportunities exist for Idaho natives and international students to interact effectively, gain intercultural skills and understanding, to share their views, perceptions and experiences, and to create a cadre of international business and political allies;

(6) Developing innovative international events, forums, conferences, exhibitions and festivals to showcase world artists and musicians, performances and works of art, and provide venues for Idahoans to explore global issues and learn about other cultures;

(7) Encouraging kindergarten through grade 12 integration of materials, programs and partnerships that build on the Idaho Content Standard for Global Perspectives; and

(8) Encouraging early foreign language learning and implementation of dual language practices and curriculum in Idaho elementary schools.

SCR 134 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator Langhorst was recorded present at this order of business.

March 6, 2008

The JUDICIARY AND RULES Committee reports that **S 1466** and **SCR 133** have been correctly printed.

DARRINGTON, Chairman

S 1466 was referred to the Finance Committee.

SCR 133 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 5, 2008

The JUDICIARY AND RULES Committee reports that Enrolled **S 1265** and **S 1267** were delivered to the Office of the Governor at 2 p.m., March 5, 2007.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 5, 2008

The JUDICIARY AND RULES Committee reports out **H 517**, as amended, and **H 382**, as amended, with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, **H 517**, as amended, and **H 382**, as amended, were referred to the Fourteenth Order of Business, General Calendar.

March 5, 2008

The EDUCATION Committee reports out **H 552** with the recommendation that it do pass.

GOEDDE, Chairman

H 552 was filed for second reading.

March 5, 2008

The EDUCATION Committee reports out **H 398** with the recommendation that it do pass, and with the recommendation that it be placed on the Consent Calendar.

GOEDDE, Chairman

H 398 was filed for second reading.

March 5, 2008

The HEALTH AND WELFARE Committee reports out **H 557** with the recommendation that it do pass.

LODGE, Chairman

H 557 was filed for second reading.

March 5, 2008

The RESOURCES AND ENVIRONMENT Committee reports out **S 1449** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

SCHROEDER, Chairman

There being no objection, **S 1449** was referred to the Fourteenth Order of Business, General Calendar.

March 5, 2008

The RESOURCES AND ENVIRONMENT Committee reports out **H 500**, **H 498**, **H 515**, **H 406**, as amended, and **H 473** with the recommendation that they do pass.

SCHROEDER, Chairman

H 500, **H 498**, **H 515**, **H 406**, as amended, and **H 473** were filed for second reading.

March 6, 2008

The FINANCE Committee reports out **S 1466** with the recommendation that it do pass.

DARRINGTON, Chairman

S 1466 was filed for second reading.

March 5, 2008

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 545** and **H 529**, as amended, with the recommendation that they do pass.

HILL, Chairman

H 545 and **H 529**, as amended, were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

Senators Lodge and Schroeder were recorded present at this order of business.

March 4, 2008

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Robert A. Hoff of Idaho Falls, Idaho, was appointed as a member of the Idaho Aeronautics Advisory Board to serve a term commencing January 31, 2008, and expiring January 31, 2013.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. 'Butch' Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Transportation Committee.

March 5, 2008

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1265, **S 1267**, **S 1319**, and **S 1320**

As Always - Idaho, *'Esto Perpetua'*
/s/ C. L. 'Butch' Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

Senator Burkett was recorded present at this order of business.

March 5, 2008

Mr. President:

I transmit herewith **HCR 49, H 572, H 573, H 574, H 575, H 561, and H 562**, which have passed the House.

ALEXANDER, Chief Clerk

HCR 49, H 572, H 573, H 574, H 575, H 561, and H 562 were filed for first reading.

March 5, 2008

Mr. President:

I transmit herewith Enrolled **HCR 44, HCR 46, HCR 47, and H 537** for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled **HCR 44, HCR 46, HCR 47, and H 537** and ordered them returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

Senator Hill was recorded present at this order of business.

S 1467

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE LAVA HOT SPRINGS FOUNDATION FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

S 1468

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE OFFICE OF SPECIES CONSERVATION FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

S 1469

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FROM THE IDAHO MILLENNIUM INCOME FUND AND DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FOR THE PURPOSES AND PROGRAMS SPECIFIED FOR FISCAL YEAR 2009; APPROPRIATING MONEYS FROM THE IDAHO MILLENNIUM INCOME FUND TO THE STATE TREASURER FOR THE PURPOSES AND PROGRAMS SPECIFIED FOR FISCAL YEAR 2009; AND PROVIDING THAT CERTAIN UNEXPENDED AND UNENCUMBERED MONEYS SHALL BE REVERTED TO THE IDAHO MILLENNIUM INCOME FUND.

S 1470

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE DEPARTMENT OF LANDS; AMENDING CHAPTER 1, TITLE 58, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 58-119A, IDAHO CODE, TO PROVIDE FOR DISCLAIMERS OF INTEREST AND TO PROVIDE FOR THE RESERVATION OF PUBLIC USE RIGHTS-OF-WAY.

S 1471

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FOR THE AGRICULTURAL RESEARCH AND COOPERATIVE EXTENSION SERVICE PROGRAM FOR FISCAL YEAR 2009; REAPPROPRIATING ANY UNEXPENDED AND UNENCUMBERED FUND BALANCES; AND SETTING FORTH THE CONDITIONS FOR REAPPROPRIATION.

S 1472

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO MATERNAL DEATH REVIEW PANEL; AMENDING SECTION 9-340C, IDAHO CODE, TO PROVIDE FOR A PUBLIC RECORDS EXCEPTION; AMENDING SECTION 39-260, IDAHO CODE, TO PROVIDE FOR ADDITIONAL DUTIES OF THE BUREAU OF HEALTH POLICY AND VITAL STATISTICS; AND AMENDING CHAPTER 13, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-1392g, IDAHO CODE, TO PROVIDE FOR THE MATERNAL DEATH REVIEW PANEL.

S 1467, S 1468, S 1469, S 1470, S 1471, and S 1472 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

HCR 49, by State Affairs Committee, was introduced, read at length, and referred to the Commerce and Human Resources Committee.

H 572, H 573, and H 574, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

H 575, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

H 561 and **H 562**, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 557** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

H 557 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Davis. Total - 1.

Total - 35.

Whereupon the President declared **H 557** passed, title was approved, and the bill ordered returned to the House.

H 570 and **H 571**, by Appropriations Committee, were read the second time at length and filed for third reading.

H 418, as amended, and **H 530**, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

S 1462, **S 1463**, and **S 1464**, by Finance Committee, were read the second time at length and filed for third reading.

S 1450, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

H 423, by Education Committee, was read the second time at length and filed for third reading.

S 1432 and **S 1446**, by State Affairs Committee, were read the second time at length and filed for third reading.

S 1448, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

H 410, as amended, as amended in the Senate, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

S 1372, as amended in the House, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

S 1413, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1434 was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Geddes arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Davis. Total - 1.

Total - 35.

Whereupon the President declared **S 1434** passed, title was approved, and the bill ordered transmitted to the House.

The President called President Pro Tempore Geddes to the Chair.

S 1456 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Davis. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1456** passed, title was approved, and the bill ordered transmitted to the House.

S 1457 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Davis. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1457** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Little, granted by unanimous consent, **S 1458** retained its place on the Third Reading Calendar.

S 1459 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Davis. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1459** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Little, granted by unanimous consent, **S 1458**, having been held, was placed before the Senate for consideration at this time.

S 1458, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Davis. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1458** passed, title was approved, and the bill ordered transmitted to the House.

H 389, as amended, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Davis. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 389**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 555 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Davis. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 555** passed, title was approved, and the bill ordered returned to the House.

H 379 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Davis. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 379** passed, title was approved, and the bill ordered returned to the House.

H 493 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Davis. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 493** passed, title was approved, and the bill ordered returned to the House.

H 522 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Davis. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 522** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Little, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President Pro Tempore declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **S 1433, S 1435, S 1438, H 422, H 350, S 1379**, as amended, **H 528, H 470**, and **S 1444** without recommendation, amended as follows:

SENATE AMENDMENT TO S 1433

AMENDMENTS TO SECTION 1

On page 1 of the printed bill, delete lines 29 through 35 and insert:

"moorage sites;

(f) The opportunity costs, if any, borne by the landlord by not converting the floating home marina, including uplands, to other uses; and

(g) Any other circumstances justifying a rental rate.;"
in line 36, delete "(4)" and insert: "(3)"; on page 2, in line 7, following "heard" insert: ", if requested, "; in line 24, delete "(5)" and insert: "(4)"; in line 34, delete "(36)" and insert: "(35)"; in line 36, delete "(47)" and insert: "(46)"; in line 38, delete "(58)" and insert: "(57)"; in line 41, delete "(69)" and insert: "(68)"; and in line 52, delete "(710)" and insert: "(79)".

On page 3, in line 2, delete "(811)" and insert: "(810)"; in line 4, delete "(912)" and insert: "(911)"; and in line 6, delete "(103)" and insert: "(102)".

CORRECTION TO TITLE

On page 1, in line 4, delete ", TO PROVIDE A REBUTTABLE"; and in line 5, delete "PRESUMPTION RELATING TO REASONABLE RENTAL RATE INCREASES".

AMENDMENT TO THE BILL

On page 3 of the printed bill, following line 7, insert:

"SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval."

CORRECTION TO TITLE

On page 1, in line 6, following "ARBITRATION" insert: "; AND DECLARING AN EMERGENCY".

SENATE AMENDMENTS TO S 1435
AMENDMENTS TO SECTION 2

On page 2 of the printed bill, following line 13, insert:

"(2) For the purposes of this section, the Idaho transportation department shall provide highway right-of-way records from January 1, 2002, forward, augmented thereafter each time real property owned by the state of Idaho is affected as part of the Idaho transportation department's regular course of business."; and in line 14, delete "(2)" and insert: "(3)".

SENATE AMENDMENT TO S 1438
AMENDMENTS TO SECTION 1

On page 1 of the printed bill, delete line 14 and insert: "by:"; and delete lines 15 through 43, and on page 2, delete lines 1 and 2 and insert:

"(a) Any person found guilty of a felony who is not finally discharged from a sentence of imprisonment, probation or parole; or

(b) Any person who, having been found guilty of a felony, has not had his or her civil right to ship, transport, possess or receive a firearm restored."

SENATE AMENDMENT TO H 422
AMENDMENT TO SECTION 1

On page 2 of the printed bill, delete lines 29 through 54 and on page 3, delete lines 1 through 17 and insert:

"39-2904. MAJOR FACILITY PROJECTS. (1) To the extent it is fiscally prudent and to the extent it is practical and feasible given the intended use of the building, all major facility projects receiving funding from the state general fund or the state permanent building fund or financed through the Idaho state building authority shall be designed, constructed and certified to meet a target of at least ten percent (10%) to thirty percent (30%) better efficiency than a building of equal size, function and orientation built on the same site to the requirements of then current state building codes as provided in section 39-4109, Idaho Code. Full commissioning shall be considered on all major facility projects.

(2) The provisions of subsection (1) of this section shall apply to major facility projects that have not entered the schematic design phase prior to the effective date of this chapter.

(3) Beginning in 2009, on or before December 1 of each year, the division of public works, in cooperation with each appropriate state agency, shall submit a report to the permanent building fund advisory council, the legislature and the governor. The report shall describe the ongoing implementation of this chapter with achieved energy efficiency data and supporting narrative for each major facility project designed, constructed or certified as provided in subsection (1) of this section during the previous year.

(4) The governor shall designate a state office or agency to provide technical assistance to the state agencies and the permanent building fund advisory council on the implementation of this chapter."

AMENDMENT TO THE BILL

On page 3, following line 17, insert:

"SECTION 2. The provisions of this act shall be null, void and of no force and effect on and after July 1, 2013."

CORRECTION TO TITLE

On page 1, in line 5, following "PROJECTS" insert: "; AND PROVIDING A SUNSET CLAUSE".

SENATE AMENDMENT TO H 350
AMENDMENT TO SECTION 5

On page 2 of the printed bill, in line 43, delete "No applicant who is not a" and insert: "~~No applicant~~"; delete line 44 and insert: "~~may be regis-~~"; in line 45, delete "tered," and insert: "tered".

CORRECTION TO TITLE

On page 1, in line 10, following "REVISE" insert: "LANGUAGE RELATING TO".

SENATE AMENDMENT TO S 1379, As Amended
AMENDMENT TO SECTION 3

On page 7 of the engrossed bill, delete lines 31 and 32 and insert:

"(b) The following:".

SENATE AMENDMENT TO H 528
AMENDMENT TO SECTION 2

On page 1 of the printed bill, in line 29, delete "40-1305C,".

CORRECTION TO TITLE

On page 1, in line 5, delete "40-1305C,".

SENATE AMENDMENT TO H 470
AMENDMENTS TO SECTION 1

On page 1 of the printed bill, in line 30, delete "and"; in line 35, delete "." and insert: "; and"; and following line 35, insert:

"(e) School levies for supplemental maintenance and operation pursuant to section 33-802(3), Idaho Code, approved after December 31, 2007, or in the case of charter school districts any supplemental levy that does not exceed two (2) years in duration."

On page 2, in line 11, delete "(d)" and insert: "(e)"; and in line 29, delete "(d)" and insert: "(e)".

AMENDMENT TO SECTION 2

On page 3, in line 22, delete "(d)" and insert: "(e)".

AMENDMENT TO SECTION 3

On page 4, in line 1, delete "(d)" and insert: "(e)".

SENATE AMENDMENTS TO S 1444
AMENDMENT TO SECTION 1

On page 4 of the printed bill, in line 38, following "or" insert: "publicly employed".

AMENDMENT TO SECTION 3

On page 6, in line 38, delete "twelve (12)" and in line 39, delete "months" and insert: "fifty-two (52) weeks"; and delete line 40 and insert: "ment or sixty-seven percent (67%) of the current average weekly state wage, as determined pursuant to section 72-409(2),".

AMENDMENT TO THE BILL

On page 7, delete lines 5 through 19.

CORRECTIONS TO TITLE

On page 1, in line 5, following "ACT;" insert: "AND"; in line 9, delete "; AND AMENDING CHAPTER 4, TITLE 72,"; and delete lines 10 through 12 and insert: ".".

The Committee also has **S 1329**, **H 447**, as amended, **S 1404**, and **H 397** under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Langhorst, the report was adopted by voice vote.

S 1433, as amended, **S 1435**, as amended, **S 1438**, as amended, **S 1379**, as amended, as amended, and **S 1444**, as amended, were referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

H 350, as amended in the Senate, **H 422**, as amended in the Senate, **H 528**, as amended in the Senate, and **H 470**, as amended in the Senate, were filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Ninth Order of Business.

Messages from the House

March 6, 2008

Mr. President:

I transmit herewith Enrolled **H 557** for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled **H 557** and ordered it returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:30 p.m. until the hour of 4:30 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 4:30 p.m., pursuant to recess, President Pro Tempore Geddes presiding.

Roll call showed all members present except Senators Broadsword and Gannon, absent and formally excused by the Chair; and Senators Bastian, Cameron, Lodge, and McKenzie, absent and excused.

Prior to recess the Senate was at the Fifth Order of Business, Presentation of Petitions, Resolutions, and Memorials.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senators Bastian, Cameron, Lodge, and McKenzie were recorded present at this order of business.

H 523 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Andreason arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Broadsword, Gannon. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 523** passed, title was approved, and the bill ordered returned to the House.

H 496, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Andreason arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Broadsword, Gannon. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 496**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 338 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Broadsword, Gannon. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 338** passed, title was approved, and the bill ordered returned to the House.

H 339 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Broadsword, Gannon. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 339** passed, title was approved, and the bill ordered returned to the House.

H 371 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Broadsword, Gannon. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 371** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Little, granted by unanimous consent, **H 560** retained its place on the Third Reading Calendar.

H 456 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKague arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Broadsword, Gannon. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 456** passed, title was approved, and the bill ordered returned to the House.

H 417, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Lodge and McKenzie arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 32.

NAYS--None.

Absent and excused--Broadsword, Burkett, Gannon. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **H 417**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 399 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Broadsword, Gannon. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 339** passed, title was approved, and the bill ordered returned to the House.

H 384 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Darrington, Goedde, Jorgenson, Langhorst, Little, Stegner. Total - 7.

NAYS--Bair, Bastian, Bilyeu, Cameron, Coiner, Corder, Davis, Fulcher, Geddes, Hammond, Heinrich, Hill, Kelly, Keough, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stennett, Werk. Total - 25.

Absent and excused--Broadsword, Burkett, Gannon. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared that **H 384** had failed to pass the Senate and ordered the bill returned to the House of Representatives.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

Having voted on the prevailing side by which **H 384** failed to pass the Senate, Senator Schroeder served notice that he may on this or the next legislative day move for reconsideration of the vote.

H 384 was ordered held at the Secretary's desk.

Having voted on the prevailing side and proper notice having been served, Senator Cameron moved, seconded by Senator Hill, that the vote by which **H 384** failed to pass the Senate be now reconsidered. The question being, "Shall the motion prevail?"

Moved by Senator Stegner, seconded by Senator Little, that the Senate adjourn.

Roll call vote was requested by Senators Davis, Cameron, and McGee.

Roll call resulted as follows:

AYES--Bastian, Coiner, Darrington, Goedde, Jorgenson, Kelly, Little, McKague, Richardson, Schroeder, Stegner, Stennett, Werk. Total - 13.

NAYS--Bair, Bilyeu, Cameron, Corder, Davis, Fulcher, Geddes, Hammond, Heinrich, Hill, Keough, Lodge, McGee, McKenzie, Pearce, Sagness (Malepeai), Siddoway. Total - 17.

Absent and excused--Andreason, Broadsword, Burkett, Gannon, Langhorst. Total - 5.

Total - 35.

Whereupon the President Pro Tempore announced that the motion to adjourn did not prevail.

The question being, "Shall the vote by which **H 384** failed to pass the Senate be now reconsidered?" The motion failed by voice vote and the President Pro Tempore ordered the bill returned to the House of Representatives..

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 6:30 p.m. until the hour of 10 a.m., Friday, March 7, 2008.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary